

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
vs.)	Case No. <u>1:09CR177</u>
GREGORY EUGENE McGHEE)	Honorable Anthony J. Trenga
Defendant)	June 4, 2010

DEFENDANT'S RESPONSE TO GOVERNMENT'S
RULE 35 MOTION FOR REDUCTION OF SENTENCE

COMES NOW the Defendant, GREGORY EUGENE McGHEE, by counsel, and for his response to the Government's Motion For Reduction Of Sentence pursuant to Federal Rule of Criminal Procedure 35, respectfully states as follows:

1. Gregory McGhee sincerely appreciates the Government's filing this Motion and joins in the request for a reduction in sentence. He is both grateful and hopeful that it will be granted.

2. Federal Sentencing Guideline section 5K1.1 outlines reasons which may be considered by the Court in determining the appropriate sentence reduction, including:

(1) the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered;

(2) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant;

(3) the nature and extent of the defendant's assistance;

(4) any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance; and

(5) the timeliness of the defendant's assistance.

3. For the reasons described in the government's memorandum it is clear that Mr. McGhee's cooperation was prompt and timely (immediate), truthful and reliable, extensive and of the utmost significance and usefulness. Further, the very proactive and "hands on" aspect of his cooperation placed Greg in danger and risk of injury.

4. Greg is making the most of his time while in prison. He has already completed a course on Drug Education. However, he really feels out of place in prison. In a letter dated May 14, 2010, he wrote to the undersigned:

In response to your letter, me being out of my league. What I meant was a league of my own in the fact that I don't have all the drug related experience these inmates have, because the vast majority of them have done drugs all their lives and are going to continue even upon their release . . . I feel like a cat in a room full of rocking chairs.

Greg's letter goes on to show his responsibility and optimism for the future:

I plan nothing of the sort. My plans are to get home and restart my life before drugs were ever in the picture. I'm very alone here, and doing everything I can to not become institutionalized, and keep the things I do have, which is my companion, home, family and friends. These things tend to go away the longer you're gone, they say. Thank God so far I've lost nothing but my pride and humility, which can be regained. I'm totally ready to face my neighbors and friends to apologize.

Greg McGhee will have a strong support group of friends and neighbors upon his release.

Several character letters which did not make their way into the Presentence Report attest to Greg's

good character and popularity in his home neighborhood. They speak of his helpfulness and unselfishness toward his neighbors, such as providing transportation, delivering firewood, shoveling snow, and helping others with home improvement projects. He is a caring person who became involved in the methamphetamine community and admits how wrong that was. He has a real community and hopes to return there and, as he says, to apologize and to get his life back on the proper track.

WHEREFORE, in joining in the Government's Motion, the Defendant, by counsel, requests that the Motion be granted and that the Court grant a more lenient reduction of 75%. Such a reduction would reflect upon Greg McGhee's cooperation and character.

Respectfully submitted,

GREGORY EUGENE McGHEE
By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2010 I electronically filed the foregoing Response Of Defendant to the Government's Rule 35 Motion with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing (NEF) to the following person:

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/s/

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